

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO.
v.	*	SECTION:
NOAH GALLIEN	*	VIOLATIONS: 21 U.S.C. § 846
a/k/a "Chris Russell"	*	21 U.S.C. § 841(a)(1)
	*	21 U.S.C. § 841(b)(1)(A)(iii)
	*	21 U.S.C. § 841(b)(1)(B)(iii)
	*	21 U.S.C. § 841(b)(1)(C)
	*	21 U.S.C. § 843(b)
	*	18 U.S.C. § 2
	* * *	

FACTUAL BASIS

Should this matter proceed to trial, the Government will prove beyond a reasonable doubt, through credible testimony of special agents of the Federal Bureau of Investigation ("FBI"), state and local law enforcement agencies, and the production of reliable evidence, that the defendant, **NOAH GALLIEN, a/k/a "Chris Russell" (GALLIEN)**, is guilty beyond a reasonable doubt of Count One of the Superseding Bill of Information. In that Count, the defendant is charged with knowingly and intentionally combining, conspiring, confederating, and agreeing with one or more persons to

distribute and possess with the intent to distribute twenty-eight (28) or more grams of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 846. The Government would establish the following examples of **GALLIEN's** involvement in the conspiracy through reliable and competent evidence:

Beginning at a time unknown, but prior to February 10, 2010, and continuing until on or about January 20, 2011, in the Eastern District of Louisiana, **GALLIEN** participated in a drug organization that conspired to obtain and distribute at least one and one-half (1.5) kilograms of cocaine base ("crack") and ten (10) kilograms of cocaine hydrochloride ("cocaine").

During the conspiracy charged in the Superseding Indictment, **GALLIEN** purchased and/or obtained crack from his co-defendant, John Edward BAGENT. During the investigation, **GALLIEN** used various telephone facilities to coordinate illegal drug activities with his co-conspirators, including BAGENT. **GALLIEN's** drug related conversations with BAGENT were monitored and recorded through a court-authorized Title III wire intercept of a telephone facility used by BAGENT. The following paragraphs contain illustrative examples of **GALLIEN's** participation in the conspiracy:

July 24, 2010--Call session 199: **GALLIEN** asks BAGENT if he is "situated" [which means having crack available for sale] and BAGENT says that he is. **GALLIEN** tells BAGENT that he has to pay "Bird," but he cannot deal with "Bird" anymore because he cannot make any money with "Bird." BAGENT advised that he comes with the "full seven" [7 grams of crack per quarter ounce]. They agree to meet the next day.

July 25, 2010--Call session 230: **GALLIEN** wants BAGENT to bring the "T-shirt" [the quarter ounce of crack] they talked about the previous day.

July 27, 2010--Call session 395: GALLIEN tells BAGENT that “Kangu” [Willie Melvin JONES] wants to go shopping [purchase crack] and he asks how much the “pants and shirt” [a quarter ounce of crack] are going for. BAGENT tells him \$250.

Call session 396: GALLIEN tells BAGENT that his friend needs "one" [a quarter ounce of crack] since it has been a while since he got some proper "clothing" [crack].

Call session 402: GALLIEN tells BAGENT that he had to pay "Bird" for cocaine that he received from “Bird" previously, but still needs BAGENT to bring "2" [two quarter ounce packages of crack].

Call session 404: GALLIEN and BAGENT agree to meet on the Northshore [referencing the area north of Lake Pontchartrain, Louisiana].

Call session 406: BAGENT advised GALLIEN to meet him by BAGENT's father's house.

July 28, 2010--Call session 425: BAGENT called to see how GALLIEN's friend [JONES] liked the crack. GALLIEN stated that he [JONES] liked it. BAGENT then inquired if GALLIEN weighed the crack and GALLIEN said no. BAGENT said that he had weighed it prior to the sale and it weighed 6.4 grams. GALLIEN said that his only concern was "putting the blade to it" [referencing cutting up the crack] and getting rid of the crack through distribution. GALLIEN said that he only has two customers working for him, one being JONES. GALLIEN talked about wanting to get BAGENT his money quickly. BAGENT says that he is going to call and have his people cook some more crack. GALLIEN and BAGENT talk about "Lu" [JONES] being "satisfied" with the crack and GALLIEN said that things were starting to pick up for JONES so he might be

interested in buying more crack for distribution.

July 30, 2010--Call sessions 603, 624, 625, 626, 636, 637, 652, 654: GALLIEN is driving to BAGENT's house to deliver money for the previously obtained crack.

August 3, 2010--Call session 877: GALLIEN has money for BAGENT.

August 23, 2010--Call sessions 2202, 2208, 2214, 2219, 2222: JONES called BAGENT and discussed setting up a crack transaction. In call 2219, JONES stated to BAGENT that the "shit" [crack] he received from BAGENT was light in weight and that he was only able to get \$300 worth of distributable crack rocks out of it. BAGENT argued that the crack weighed 7.2 grams when delivered to JONES and that he should have gotten more out of it. JONES stated that he had "Chris" [GALLIEN] to "chop" the crack into distribution amounts because his hand was injured. GALLIEN then got on the phone and talked to BAGENT about how much he "cut" the crack. GALLIEN says he was able to cut it into \$350 worth of distributable crack rocks. In call 2222, GALLIEN stated to BAGENT that when he arrived at JONES' place, he cut the crack with a dull razor, and this caused there to be some "shake" [residual powdered cocaine]. GALLIEN advised BAGENT that he told JONES that if he re-cooked the "shake," JONES could have six more "rocks" of crack. It appeared to GALLIEN, however, that JONES had already started to cut up the crack as there were chips of "cocaine" on a plate, on a dresser and on a table. GALLIEN and BAGENT concluded that JONES was attempting to cheat GALLIEN. BAGENT tells GALLIEN that he suspected JONES was going to be trouble because he recalled that JONES complained about the bag of crack appearing to be "kind of small" when BAGENT handed it to JONES. GALLIEN goes on to say that he cut at least \$350 worth of crack in distribution amounts for JONES even though the

crack was hard to cut.

August 25, 2010--Call sessions 2313, 2318, 2320 and 2321: **GALLIEN** called **BAGENT** and wanted **BAGENT** to bring him a quantity of crack. Law enforcement surveillance was dispatched and observed/photographed the meeting.

As indicated above, the Government would introduce at trial the Title III wire intercepts, testimony of law enforcement, photographs and lab reports, as well as the testimony of co-conspirators, to prove that the organization obtained between at least one and one-half (1.5) kilograms of crack and ten (10) kilograms of cocaine during the life of the conspiracy. For sentencing purposes the Government and the defendant, **GALLIEN**, agree that **GALLIEN** should be held responsible for at least twenty eight (28) grams but not more than one hundred-twelve (112) grams of cocaine base or "crack," which he and the other members of the conspiracy distributed during the course of the conspiracy and because it was reasonably foreseeable to him that this amount of cocaine would be processed and sold by the conspirators during the course of the conspiracy.

GALLIEN acknowledges that the above-referenced conduct constitutes a knowing violation of Title 21, United States Code, Sections 846 and 841(a)(1). He also acknowledges and admits that on March 13, 2000, he was convicted of conspiracy to distribute marijuana in violation of Louisiana state law, under case number 306607, in the Parish of St. Tammany, and was sentenced to a term of imprisonment of fifteen (15) years in the custody of the Louisiana Department of Corrections. By doing so, **GALLIEN** admits to participating in the drug-related conspiracy described above in the Factual Basis and to committing said offense after a prior conviction for a felony drug offense

became final, which will result in him receiving a *minimum* sentence of ten (10) years of imprisonment pursuant to Title 21, United States Code, Sections 841(b)(1)(B) and 851.

APPROVED AND ACCEPTED:

NOAH GALLIEN (date)
Defendant

MICHAEL CIACCIO (date)
Attorney for Defendant

EDWARD J. RIVERA (date)
Assistant United States Attorney